

**U.S. Department of the Interior
Bureau of Land Management**

**Finding of No Significant Impact
for the
Durkee Clay Pit Expansion Project**

Environmental Assessment #DOI-BLM-OR-V050-2009-039-EA

**Baker Field Office
P.O. Box 947
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March 2011**

Finding of No Significant Impact (FONSI)

Background

The FONSI is a document that explains the reasons why an action will not have a significant effect on the human environment and why, therefore, an Environmental Impact Statement will not be required (40 CFR 1508.13). This FONSI is a stand-alone document but is attached to the Environmental Assessment (EA) and incorporates the EA by reference. The FONSI does not constitute the authorizing document; the decision record is the authorizing document.

The EA (DOI-BLM-OR-V050-2009-039-EA) analyzes the environmental impacts of Ash Grove Cement Company's (Ash Grove) planned clay pit expansion. The Durkee Clay Pit Expansion Project (Project) is located four miles south of Durkee in Baker County, Oregon. The Project area is situated within Sections 14 and 15, Township 12 South, Range 43 East, Willamette Meridian. Mining in the Project area mainly consists of open pit quarry mining, milling, and facilities. Mining, dirt and gravel roads, telephone lines, gas lines, transmission lines, Interstate 84, and livestock grazing have occurred on both public and private land throughout the area of the Cumulative Effects Study Area (EA, Section 4.3, p.23).

The proposed Project is detailed in a Plan of Operations (POO) submitted in March 2009. Existing mining operations are located on private land and Ash Grove is proposing to expand operations onto 15.24 acres of public land managed by the Bureau of Land Management (BLM) Baker Field Office. Existing disturbance within the proposed Project area includes dirt roads.

The Project consists of stockpiling topsoil, expanding the existing clay pit, and realigning an existing road in three locations resulting in 15.24 acres of new disturbance. Material from the expansion of the clay pit will be used in processing at the adjacent Ash Grove cement plant. The Proposed Action would extend the life of the existing clay pit by 30 years of active mining, two years of reclamation, and five years of monitoring. Prior to mining in the Project area, available growth medium will be stockpiled within the disturbance footprint associated with the clay pit.

Reclamation will be completed to meet the post-mining land uses of the area. Concurrent reclamation will be used to the extent possible during operations. Reclamation of the Project includes regrading the disturbed areas to blend with surrounding topography. The final pit will be sloped as the bench levels are removed. Growth medium salvaged prior to disturbance will be spread over the slopes and promptly reseeded to stabilize the slopes. Once mining is concluded and reclamation is completed, the area will be monitored and maintained to ensure the final reclamation meets land use needs.

The Project area has not been determined to possess wilderness characteristics. BLM has evaluated this area and has determined that significant impacts are unlikely to occur because of the existing mining disturbance and the proposed reclamation plan.

Significance

"Significance" as used in NEPA requires considerations of both context and intensity (40 CFR 1508.27).

Context

For context, significance varies with the setting of the Proposed Action. For instance, for a site-specific action, significance would typically depend upon the effects in the locale rather than in the world as a whole. For this Proposed Action, the effects are confined to the Cumulative Effects Study Area (CESA) including the POO area boundary in southeastern Baker County near Baker City, Oregon. These effects are described and analyzed in the EA.

Intensity

Intensity refers to the severity of effect. The Proposed Action would adhere to best management practices (BMPs), operating stipulations, and design features that would prevent undue and unnecessary degradation of public land.

Controversy

Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the Proposed Action or preference among the alternatives. There is likely to be some disagreement about the nature of the effects for land management actions, and the decision-maker must exercise judgment in evaluating the degree to which the effects are likely to be highly controversial. Substantial dispute within the scientific community about the effects of the Proposed Action would indicate that the effects are likely to be highly controversial.

FINDING OF NO SIGNIFICANT IMPACT

Under the Proposed Action, there would be temporary changes to topography, land use, plants, wildlife and associated habitat, air quality, and esthetics during mining. Impacts to public lands are predicted to be initially negligible to minor for most resources. Impacts would be diminished to a low impact over the life of the mine (30 years) and the final bond release period (approximately 35 years). Additionally, some permanent or long-term changes would occur including alteration of the geologic strata and growth stages of the post-mining vegetative cover.

The Project area has experienced previous disturbance and adjacent areas are currently being mined. Ash Grove proposes to realign an existing road (2.24 acres), expand an existing clay pit, and stockpile topsoil (13.0 acres) for future reclamation.

The appropriate implementation of the environmental protection measures, design features, and reclamation would minimize the potential for adverse effects that may occur from the permanent changes. The potential for long-term, adverse effects would be limited to the site-specific area of the Proposed Action and would be minor in magnitude. A maximum of 15.24 acres of public land would remain disturbed by mining operations or reclamation activities for approximately 35 years. The uneven, sometimes jagged, topography and piles remaining from mining activity would be contoured to fit with natural topography. Wildlife habitat would be temporarily eliminated within the areas disturbed by the Proposed Action, resulting in displacement of the more mobile species and some direct mortality of slow-moving terrestrial species. However, site reclamation, including establishment of native grasses, forbs, and shrubs could result in enhanced wildlife habitat, providing opportunity for any displaced species to re-inhabit the area.

I find that the Project's affected region is localized and the effects of implementation are relevant to compliance with Federal and Oregon State law. There would be no adverse societal or regional impacts and no significant adverse impacts to the environment. I have evaluated the environmental effects, together with the proposed design features, against the tests of significance found at 40 CFR 1508.27. Although not a condition of my determination, implementation of all operating stipulations and design features identified in Section 2.2.4.5 of the EA would be critical to successful surface management of the Proposed Action.

Any land management action involving ground disturbance invariably, and by definition, entails environmental effects. I have determined, based upon the analysis of environmental impacts contained in the referenced EA (DOI-BLM-OR-V050-2009-039-EA), that the potential impacts resulting from the Proposed Action would not be significant and that, therefore, preparation of an Environmental Impact Statement is not required.

I have determined that if the decision were made to implement the Proposed Action:

1. The Proposed Action would cause no significant impacts, either beneficial or adverse; all impacts would be insignificant and minor; and the proposed activity would not have an adverse effect on water quality. The reason for this determination is because mining would not occur in areas identified as being at risk for changes in hydrology or sediment delivery (page 15).
2. The Proposed Action would have no adverse effect on public health or safety due to the Project's remote location, low public recreation use, and the safeguards proposed in the POO.
3. The Proposed Action would not affect unique characteristics of the geographic area such as proximity to park lands, prime farmlands, or ecologically critical areas because none have been identified in this area.
4. The Proposed Action would not disturb cultural resource sites as the Cultural Resources Inventory found "no evidence of archaeological or historical resources" on BLM-administered lands within the assessment area (private lands were not surveyed for cultural resources). The Proposed Action would have no adverse effect to cultural resources.
5. The Proposed Action would have no highly controversial effects. Public comment provided input to the decision process allowing the Baker Field Office staff to further evaluate the analysis on streams and associated riparian habitat. The BLM operating stipulations and design features required for this Project eliminate mining in the areas at risk for changes in hydrology or sediment delivery and require design features for mining near streams and wetlands to provide protection for the water resources. Additionally, mining scenarios similar to this operation were analyzed in the Baker Resource Management Plan, 1989.
6. The Proposed Action would have no uncertain effects and would not involve unique or unknown risks because the Project is considered to be a small- to moderate-sized open pit clay mining operation. The Proposed Action would occur in an area directly adjacent existing mining disturbance.

7. The Proposed Action is not related to any immediate action being considered by BLM within the CESA in the EA (page 26).
8. There are no known federally listed species within the Project area. The Proposed Action would not significantly adversely affect any candidate species or their habitat. Additionally, the implementation and use of the stipulations, design features, and BMPs would minimize or preclude adverse impacts to the habitat on private and public land.
9. The Proposed Action does not violate any law or requirement imposed for the protection of the environment as the BLM regulations under 43 CFR 3809 require that all required Federal, State, and Local regulations and permits are in full effect before commencement of operations.
10. The Proposed Action would not significantly affect air quality because no chemicals would be used in the clay mining process and dust control measures would be used during mining operations (page 6).
11. The Proposed Action would not significantly adversely affect permitted livestock grazing. The Project area is within the Shirttail Creek Allotment, which consists of 808 acres of public land and 889 acres of private land. Mining operations would not immediately impact the total planned disturbance acreage allowing livestock and wildlife to adjust and graze in adjacent areas.
12. The Proposed Action would not adversely affect wild horses or wildlife because adequate sources of forage and water will remain available. No wild horses or burros have been identified in this area.

The Proposed Action is consistent with the Baker Resource Management Plan (1989) and Oregon State law.



Ted Davis
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Sept. 15, 2011
Date